



CITY OF NEW ORLEANS

Historic District Landmarks Commission

Administrative Rules, Policies & Procedures

Revised January 2019

I. Commissioners

A. Officers:

1. The Officers of the Historic District Landmarks Commission shall consist of a Chairman and a Vice-Chairman.
2. The Chairman and Vice-Chairman shall be elected to serve 1 year terms and may, if duly elected by the Members, succeed themselves.
3. Should the Chairman resign or his/her term expire, the Vice-Chairman shall assume the office of Chairman until the next regularly scheduled election of officers. The Commission shall also elect a Vice-Chairman to serve until the next election.
4. Should the Vice Chairman resign or his/her term expire, then the Commission shall elect a new Vice-Chairman to serve until the next election.
5. The annual election of Chair and Vice-Chairman shall be held at the Commission's regular meeting in July of each year. The newly elected Chairman and Vice-Chairman shall assume their offices on the first day of August following their election.
6. In the absence of the Chairman or a Vice-Chairman, any Member of the Commission designated or elected by those present at a meeting shall preside.

B. Committees:

1. The Commission may designate and appoint, from among its Members, by majority vote, various committees with such powers and duties as it may have and prescribe. Furthermore, the Commission may select and employ such necessary persons to carry out the purposes for which it is created.

C. Ex-Parte Contacts:

1. Commission Members shall not permit interviews, formal or informal, written or verbal, with any interested party, elected official, developer or applicant relative to a case before the Commission. These ex-parte contacts are improper and give the appearance of impropriety since all interested parties are not included.
2. No Member or Members of the Commission shall permit interviews, either formal or informal, written or verbal, to any petitioner(s), nor to any representative of such party or parties or to any individuals, or group. Nor shall any Commission Member(s) in any way pledge themselves to such

a party or group or in any way express themselves to such party or group prior to a required public hearing or prior to a Commission meeting at which time the matter will be considered.

3. The above shall not preclude the discussion by Members of procedural or other matters unrelated to the merits of a proposal awaiting Commission consideration.

D. Ethical Procedures:

1. The Commission Members shall conduct themselves in accordance with Ordinance No. 2625 M.C.S., Code of Ethics for the City of New Orleans and any other state or local laws which are applicable.

E. Orientation Meeting:

1. Upon appointment and confirmation of a new Commission Member, the Executive Director shall schedule an orientation meeting for which attendance of the Commission Member shall be mandatory. Said meeting shall address all charter, ethical, statutory and municipal ordinance obligations of the Commission, delineate how the requirements are being met, introduce the personnel assigned to accomplish same and provide the Commission Member with a copy of the Commission's Guidelines, Rules, Policies and Procedures. In addition, the mission and purpose of the HDLC shall be explained. The Chairman shall be invited to attend this orientation.

F. Resignations:

1. A Commissioner may resign the Commission by sending written notice to the Mayor, with a copy to both the Chairman and the Executive Director. Said resignation shall be effective the date of said communication. If a Commissioner who represents a district no longer owns property in the district he/she represents; said Commissioner shall resign within 30 days of the effective date of the change.

G. Attendance Policy:

1. Commissioner attendance shall be governed by Section 2-87 of Division 1, of Article IV of Chapter 2 of the Code of the City of New Orleans.

II. Architectural Review Committee

A. Responsibilities:

1. Architecture Review Committee (ARC) shall review applications for new construction, additions, changes or alterations to buildings and other related matters. The ARC serves at the discretion of the Commission to assist the staff in previewing applications prior to public hearing for the purpose of making recommendations to the applicant and Commission. The purpose of the ARC is to act in an advisory role to the staff and the Commission and to make recommendations regarding architectural or historical appropriateness.
2. Should any ARC member miss more than three meetings in a calendar year, the staff shall submit a report detailing the member's attendance to the Commission at the next regularly scheduled meeting. ARC members may be replaced by a majority vote of the Commission.

B. Membership:

1. The ARC shall consist of no less than three and no more than five licensed volunteer architects. A quorum shall consist of a majority of the existing members of the ARC.
2. Nominees are to be selected by the Executive Director and/or the chairman and shall be appointed to one year terms by a majority vote of the Commission at its July meeting.
3. In selecting nominees, the Director shall employ their best efforts to identify a group of licensed architects, experienced in Historic Preservation, who reflect the ethnic and gender diversity of the City of New Orleans. In employing these best efforts, the Director will request the local chapter of the AIA post and open call for resumes and consult with recognized industry organizations focused on promoting racial diversity within the field of architecture. When presenting nominees to the Commission, the Director shall include professional credentials of the nominees and explain what efforts were made and what outreach was conducted to find licensed architects who reflect the ethnic and gender of the City of New Orleans. Reappointments will include attendance reports for the previous year. Members may not serve on both the CBD and NO ARC unless approved by a majority vote of the Commission.

C. Meeting Schedule:

1. The schedule of meetings shall be decided at the December meeting for the entire next year.

D. Application Approvals:

1. Applications recommended for approval by the Staff and ARC, and consented to in writing by the applicant, may be placed on the Consent Agenda for the next Commission meeting.

E. Ex-Parte Contacts:

1. ARC Members shall not permit interviews, formal or informal, written or verbal, with any interested party, elected official, developer or applicant relative to a case before the Commission. These ex-parte contacts are improper and give the appearance of impropriety since all interested parties are not included.
2. No Member or Members of the ARC shall permit interviews, either formal or informal, written or verbal, to any petitioner(s), nor to any representative of such party or parties or to any individuals, or group. Nor shall any ARC Member(s) in any way pledge themselves to such a party or group or in any way express themselves to such party or group prior to a required public hearing or prior to an ARC meeting at which time the matter will be considered.
3. The above shall not preclude the discussion by ARC of procedural or other matters unrelated to the merits of a proposal awaiting Commission consideration.

F. Conduct of Meetings:

1. Members of the public may attend ARC meetings. Anyone who would like to speak on a matter must fill out a public speaker card.
 - a) Before speaking on an agenda item, one must state their name, address and whom they are representing.
 - b) There shall be a limit of 10 minutes of public comment on each item, 5 minutes for each side.
 - c) There shall be an additional 2 minutes for applicant rebuttal.
 - d) Public comment must be kept to relevant discourse on the architectural details being presented on the agenda item before the ARC.
 - e) Applications for construction of buildings that are over 10,000 square feet shall allow for up to 16 minutes for public comment, 8 minutes for each side, with a limit of 3 minutes per person.
 - f) Public comment may also be submitted in writing via e-mail. All e-mail shall be submitted to the plans examiner assigned to the project by the close of business the Monday prior to the ARC meeting.

2. Presentation of Cases:
 - a) The applicant may appear in his or her own behalf or be represented by a duly authorized representative.
 - b) The staff will make a brief statement about the agenda item
 - c) The applicant then presents his or her case
 - d) Public comment by proponents followed by opponents within the constraints provided in subpart F.1 of this part.
 - e) Applicant rebuttal within the constraints provided in subpart F.1 of this part.
 - f) A vote on the matter in accordance with the rules followed by the HDLC Commission Meetings

G. Public Notice:

1. Written notice of the purpose, time and place of each meeting shall be posted on the City's website and posted at City hall 24 hours prior to the meeting.
2. Notice of the agenda shall be sent by electronic or regular mail to the applicant and owner if different and any other interested parties as determined by the Executive Director.
3. Applications for construction of buildings over 10,000 sq ft. The HDLC shall send out public notice of the ARC meeting to all adjacent property owners and such other persons and/or organizations as the Commission may from time to time determine by policy.
4. Public notice signs provided by the HDLC shall be posted on the property or building in a conspicuous manner by the applicant prior to the meeting.

H. Written Minutes:

1. Written minutes of all open meetings shall be kept and made available for public inspection. Such minutes shall comply with State Open Meetings Law and shall include, but need not be limited to:
 - a) The date time and place of the meeting
 - b) The Members recorded as either absent or present
 - c) The substance of all matters decided

I. Voting/Quorum:

1. A simple majority of the existing members shall constitute a Quorum. The affirmative vote of a majority of the existing members shall be required for the passage of any matter.
2. If an ARC member has a conflict of interest he or she may recuse themselves. They may not participate in debate or vote, but may remain present to listen to debate.

3. In the absence of any provision of meeting governance, Robert's Rules of Order shall apply.

J. Appeals:

1. ARC recommendations may be appealed to the Commission

III. Discretionary Authority of the Executive Director

A. Discretionary Authority of the Executive Director:

1. The Executive Director shall have the authority to make recommendations to the City Council when time does not permit prior Commission consideration, subject to later ratification by the Commission.
2. The Executive Director or Staff shall have the authority to make recommendations or express his/her professional opinion upon the request of the Mayor, Council or other governmental agency or representative; however, his/her actions should be consistent with prior Commission policy.
3. The Executive Director shall have the authority to express his/her personal professional opinion to the City Council on matters upon which the Commission has acted.

IV. Official Communications

A. Official Communications:

1. The Executive Director shall be the Commissions' Official Agent to receive and respond to Official Communications.

V. Application Process

A. Application Submission and Review Procedure:

1. Before the commencement of any exterior work for new construction or the alteration, demolition or reconstruction/repair of any building located in an Historic District or on a Landmark or Landmark Site, the applicant must apply and receive a Certificate of Appropriateness (CofA). The application process for a Certificate of Appropriateness is as follows:
 - a) Such application shall be on a form therefore provided by the One Stop Permitting and Licensing Office, and shall be in the name of the record owner of the site and/or buildings located thereon, the lessee thereof, or a person holding a "bona fide" contract to purchase same. If an application is submitted under a name other than the recorded property owner, a copy of his/her executed lease or the executed "bona fide" contract to purchase must be attached to the application.

- b) Upon receipt of such application, the Commission Staff shall analyze the work proposed. Certificates of Appropriateness shall be issued or denied by the Historic District Landmarks Commission after public hearing. However, with approval of the Executive Director, the Staff may issue a Certificate of Appropriateness in the name of the Commission in the following instances:
 - i. On significant and contributing buildings, the Staff may approve structural or architectural modifications, such as siding, window openings and sashes; and the replacement of applied architectural details, such as brackets, cornices, railings, provided that:
 - a. The Staff determines and indicates on the Certificate of Appropriateness that the modifications comply with the Guidelines adopted by the Commission, or
 - b. The Staff determines and indicates on the Certificate of Appropriateness that the modifications duplicate as closely as possible the original details of the building.
 - ii. On non-contributing buildings, the Staff may approve modifications provided that they are compatible in building material, size, scale, texture and detail with those on buildings in the surrounding neighborhood, and provided that these modifications are consistent with the stylistic detailing the building.
 - iii. On significant and contributing buildings, Staff approval may be given to make minor modifications on work for which a Certificate of Appropriateness had previously been issued, provided that the Staff determines and indicates as an addendum on an existing Certificate of Appropriateness that the modifications do not alter the overall character of the work which had been certified as appropriate.
 - iv. The Staff may approve work consistent with established policy guidelines adopted by the Commission.
 - v. The Staff may approve demolition of non-contributing auxiliary structures or additions of not more than 1000 square feet.
 - vi. Any decision by Staff may be appealed to the ARC.
- c) The Executive Director may approve alterations to rooflines and the construction of additions and accessory structures under 500 square feet.
- d) Every applicant has the right to have an application for a Certificate of Appropriateness considered by the Historic District Landmarks Commission at a public hearing before the Commission, provided the complete application is submitted by the meeting deadline. Incomplete applications shall be rejected by the Staff and can not be placed on the Commission agenda until complete. The Executive Director has the authority to determine if an application is complete or incomplete. The applicant shall furnish the Staff with the information necessary to complete the application, which shall consist of:
 - i. General scale plans and specifications, and materials sufficient to adequately describe the exterior work to be performed;
 - ii. Any additional support data and information which the applicant cares to submit.
 - iii. Scale massing models, either digital or physical, shall be required for new construction of all buildings over 10,000 s.f. Said model must include the building, adjacent structures, and the two block faces. Said models shall accurately reflect the scale and relationships of the project and it surrounding buildings.
 - iv. Models of buildings may be required for smaller projects, at the discretion of the Executive Director or by a majority of the Commissioners/ARC. The type, scale and details shall be stated, if said model is required.
 - v. Posting of a public notice sign provided by the HDLC on the property prior to the hearing.

B. Property Violations:

- 1. No Certificate of Appropriateness may be issued for work to properties with outstanding violations without the approval of the Executive Director.

C. Duration of Certificates of Appropriateness:

- 1. Certificates of Appropriateness are valid for 6 months from the date of issuance if work specified has not begun, or after a period of 6 months of no activity. The Executive Director can authorize an additional 6 month extension at his/her discretion. If a CofA is no longer valid, it is considered void and a new CofA must be applied for.

D. Certificate of Appropriateness Posting Requirements:

1. All Certificates of Appropriateness (CofA) once issued by the HDLC are required to be posted in a highly visible location on the primary street façade at the address shown on the CofA and remain posted until the work is complete.

VI. Commission Meetings

A. Regular Meetings:

1. Provided applications for Certificate of Appropriateness requiring Commission Action are pending, the Commission shall hold a public hearing each month.

B. Meeting Location and Changes:

1. Unless otherwise announced by the Commission, all meetings shall be held in the City Council Chambers 1st floor, City Hall, 1300 Perdido Street.
 - a) Temporary Meeting Changes:
The Chairman, or in his/her absence the Vice Chairman or Executive Director may temporarily change the location and place of meetings, provided the proper legal notices of said changes are made public.

C. Public Notice:

1. Notice of the date, place and purpose of such public hearings shall be published in the official journal of the City of New Orleans at least 7-calendar days before the date of said hearing. The completed application must be available prior to the deadline of the public hearing. Notices shall be mailed to:
 - a) All adjacent property owners and such other persons and/or organizations as the Commission may from time to time determine by policy;
 - b) The applicant and/or applicant's representative;
 - c) The owner of the property if different from the applicant;

D. Scheduled Meetings:

1. Annual Meeting: It shall be the first regular meeting in July
 - a) Annual report of Chairman: The Chairman shall present an annual report of the state of the HDLC.
 - b) Election of Officers.
 - c) Appointment of ARC Members.
2. January Meeting:
 - a) Annual report by Executive Director.
 - b) Budget Report: The Executive Director shall present the annual budget.
 - c) Commissioner Attendance Report.

E. Special Meetings:

1. Special meetings may be called by the Chairman and/or in his/her absence the Vice-Chairman. Notice shall be provided as outlined in Section VI.C., unless a State of Emergency is declared.

F. Adjourned Meetings:

1. Should the business before the Commission not be completed, the Chairman may adjourn same from day to day until the matters on the original agenda are disposed of.

G. Open Meetings and Executive Session:

1. All meetings shall be open to the public except that an Executive Session (La. R.S. 42:16) may be held upon the affirmative vote of 2/3 of the voting Members present taken at an open meeting for which notice has been given pursuant to La. R.S. 42:11. An Executive Session shall be limited to matters allowed to be exempted from discussion in open meetings by La. R.S. 42:17, provided, however, that no final or binding action shall be taken during such Executive Session, nor shall such Executive Session be used to obviate the purpose of said legislation. The reason for holding an Executive session and the vote of each Member on the question shall be stated in an open meeting, shall be recorded and shall be entered in the minutes of the meeting. Executive Sessions may be held for one or more of the following purposes:
 - a) Discussion of the character, professional competence or physical or mental health of a person, provided that such person is notified in writing at least 24 hours before the meeting and that such person may require that such discussion to be held in open meeting. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstance permits;
 - b) Strategy sessions or negotiations with respect to collective bargaining or litigation, prospective litigation after formal written demand, or litigation when an open meeting would be detrimental effect on the bargaining or litigating position of the public body;
 - c) Discussion regarding the report, development, or course of action regarding security personnel, plans or devices;
 - d) Investigation proceedings regarding allegations of misconduct;
 - e) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, or the repelling of invasions, or other matters of similar magnitude; or

- f) Any other matters now provided for or as may be provided for by the Legislature. A majority of the Commission Members present may invite or direct the Executive Director, the Deputy Director, and/or the City attorney or designee as the only non-Commission Members to appear at a meeting closed to the public. This provision shall not restrict or impair any rights or exemptions set forth at La. R.S. 42:17.

H. Voting/Quorum:

1. Unless otherwise specified by any other legislation:
 - a) A quorum for the NOHDLC shall be 8 and an affirmative vote of 8 members shall be required for the passage of any matter before the Commission.
 - b) A quorum for the CBDHDLC shall be 6 and an affirmative vote of 6 members shall be required for the passage of any matter before the Commission.
2. Failed Motion:
 - a) The failure of a motion to receive a majority of affirmative votes of the Commission shall constitute a “failure to obtain a legal majority”. The procedural effect of a “failure to obtain a legal majority” is deemed a denial of the application whether the Commission’s motion is stated in the form of a request for denial or approval of the application. Accordingly, the applicant may exercise his appeal rights pursuant to the Administrative Rules, Policies, and Procedures herein.
3. Proxy Voting:
 - a) In accordance with La. R.S. 42:5, any manner of proxy voting is prohibited.
4. Recusal/Abstentions:
 - a) Abstentions shall not be permitted. However, if the Commissioner has a conflict of interest pursuant to the Louisiana Code of Governmental Ethics (La. R.S. 42:1101, etc. seq.), the City of New Orleans Code of Governmental Ethics, and or personal conflict of interest, the Commissioner must (1) announce his/her recusal; (2) state the reason for his/her recusal; and (3) not be allowed to participate in debate or vote; however, he/she may remain in the room to listen to debate if he or she opts to. Where either a majority vote or a 2/3 vote is required, abstentions/recusals have absolutely no effect on the outcome of the vote (i.e. is not counted toward the majority or two-thirds of the votes cast.)

I. Conduct of Meetings:

1. Presiding Member:
 - a) The Chairman shall preside at all meetings, or in his absence, the Vice-Chairman shall preside. In the absence of the Chairman or a Vice-Chairman, any Member of the Commission designated or elected by those present at a meeting shall preside.
 - b) The Chairman (Presiding Member) may participate in debate, however cannot vote, unless his/her vote is required for the passage of a motion, i.e. break a tie vote.
2. Parliamentary Procedure:
 - a) In absence of any provision in these rules to the contrary, the rules of procedure provided by the latest edition of Robert’s Rules of Order shall prevail.
3. Order of Business:
 - a) In all meetings, the order of business shall be as described on the published agenda unless the Chairman (Presiding Member) elects to change said order of business. Changes made by the Chairman (Presiding Member) may be overruled by a 2/3 vote of the Commission.
4. Presentation of Cases:
 - a) The applicant may appear in his/her own behalf or be represented by a duly authorized agent. In the absence of any personal appearance or communication on behalf of the applicant, the Commission may proceed to dispose of the matter on the record before it.
 - b) The order of business for each item shall be as follows:
 - Presentation by the Staff explaining the details of the case.
 - Presentation by the applicant or his/her representative.
 - Public Comment – Proponents followed by Opponents.
 - Applicant’s rebuttal.
 - c) All remarks by the public or the Members must first be recognized by the Chairman (Presiding Member). Remarks are not allowed between the public and the applicant unless approved by the Chairman (Presiding Member). No personal remarks or attacks will be allowed, and the Chairman (Presiding Member) has the authority to ask a Member of the public, and/or an applicant to leave the meeting room if he/she deems it is necessary to the proper conduct of the meeting. All remarks should be directed to the merits of the application or respective agenda item before the Commission. The Chairman (Presiding Member) has the authority to restrict portable/cell phones in the meeting room, and any other actions he/she feels are needed to properly conduct the business of the Commission.

5. Speaking Time Limits:

- a) Before speaking on an agenda item, each person shall give his or her name and address and state he or she is representing
- b) Proponents for the agenda item shall speak first for a total of 10 minutes. Each speaker shall be allowed maximum of 2 minutes.
- c) Opponents or other interested parties will speak second for a total period of 16 minutes. Each speaker shall have a maximum of 2 minutes.
- d) Proponents will be allowed a total period of 6 minutes for rebuttal. Each speaker shall be allowed a maximum of 2 minutes. Opponents will not be allowed to rebut.
- e) This procedure shall be followed except as such time when the Chairman (Presiding Member) shall, with the approval the Commission Members present, extend such time.

6. Procedural Questions:

- a) The Chairman (Presiding Member) shall rule on all procedural questions, subject to reversal by a 2/3 majority of the Members present.
- b) The maker of a motion regarding an application before the Commission, must state the basis in the Guidelines for the motion. However, if there is no basis pursuant to the HDLC Guidelines or the Guidelines are silent on the agenda item with regard to the motion, the maker of the motion must give a reasonable basis for his/her motion.

7. All proper parliamentary procedure shall be followed including relevance of argument, recognition of speaker, and absolute prohibition of applause. All comments by proponents and opponents shall be addressed to the Chairman or a specific Member of the Commission. These hearings are recorded and broadcast on public access television.

8. Friendly Amendments:

- a) Any amendment, “friendly” or otherwise, must be adopted by the full body, either by a vote or unanimous consent. If it appears to the Chairman (Presiding Member) that an amendment is uncontroversial, the Chairman (Presiding Officer) is to ask if there is “any objection” to adopting the amendment. If there is no objection to the amendment, the chair may declare the amendment adopted. However, if any Member objects, the amendment is subject to debate and vote regardless of whether its proposer calls it “friendly” and regardless of whether the maker of the original motion endorses its adoption.

J. Reconsideration:

1. If action has been taken by a motion during a meeting, and at least one Member who voted on the winning side wants to have the vote reconsidered, such Member can make the motion to reconsider during the meeting. The motion can be seconded by any Member, no matter how he/she voted. Once the meeting is adjourned, a motion to reconsider cannot be made, i.e. this motion can be made only on the same day on which the vote sought to be reconsidered is taken.

K. Consent Agenda:

1. The Consent Agenda shall be considered at the beginning of the meeting (after the adoption of the minutes or as designated by the Chairman) (Presiding Member) and will contain all applications: a) which have received a recommendation for conceptual approval from the Staff and Architecture Review Committee (ARC); and b) for which the owner/representative agrees with all of the recommendations or provisos stated by the Staff and ARC. These properties shall be considered and approved in globo, meaning they will be voted on as a group rather than individually. Property owners or their designees who have applications fitting the above categories are urged nevertheless to attend the Commission meeting, in the event that the Commission or a Member of the public has some questions or concerns regarding an individual property. Any person wishing to address the Commission on a matter contained on the consent agenda shall be permitted to do so in accordance with the Administrative Rules, Policies, and Procedures herein. Any individual Commissioner may request any item appearing on the consent agenda to be removed from the consent agenda by request; however, a majority vote of the Commissioners present is required to move an item off the consent agenda and have it placed on the regular agenda.

L. Submissions:

1. All written reports, studies, analyses, comments, critiques, e-mail messages, statements, petitions, graphs, renderings, drawings, photographs, depictions, maps, charts, and other 2-dimensional and 3-dimensional matters related to docket items shall be submitted to the Commission by the close of business the Friday prior to the Commission meeting. However, large models and digital presentations requiring special equipment must be set up by the applicant prior to the Commission meeting. Each submission shall include a specific reference to the address of the building in question.

- a) No material (written matter, photographs, maps, etc.) submitted past the above deadline will be accepted by the Commission or its Staff for inclusion in the record, unless a majority vote by Members present at the meeting agree to a submittal after the deadline. Any such material submitted shall be disposed of and not returned to the submitting party. This provision will not preclude an oral presentation at the regular meeting, subject to temporal constraints otherwise set forth herein.
- b) All documents, submissions, models, and other material submitted to the HDLC are open to the public and become the property of the HDLC and shall not be returned.
- c) Public comment may be submitted in writing via e-mail. All e-mail shall be submitted to the plans examiner assigned to the project by the close of business the day before the Commission meeting.

M. Rehearings:

- 1. If the Commission denies an application, a rehearing of substantially the same matter shall not be heard by the Commission within 1 calendar year commencing from the date of the denial. However, if an application is denied due to a "failure to obtain a legal majority", the application is deemed denied without prejudice, and as a result, the application may be re-heard by the Commission within 1 calendar year commencing from the date of the application's denial on grounds of a "failure to obtain a legal majority".

N. Written Minutes:

- 1. Written minutes of all open meetings shall be kept and made available for public inspection. Such minutes shall include, but need not be limited to:
 - a) The date, time and place of the meeting;
 - b) The Members of the Commission recorded as either absent or present;
 - c) The substance of all matters decided, and at the request of any Member;
 - d) A record of individual Member votes taken;
 - e) Any other information that the Commission requests be included or reflected in the minutes;
 - f) The minutes shall be public records and shall be available to the Public within a reasonable time after approval by the Commission except where such disclosures would be inconsistent with La. R.S. 42:16 and R.S. 42:17;
 - g) The minutes are not official until approved by a vote of the Commission.

VII. Variances

A. Variance Requirements:

- 1. In the event that the applicant believes that by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances, strict enforcement of the provisions of this ordinance would result in serious undue hardship, particularly affecting the applicant, then the Commission shall have the power to vary or modify adherence to the HDLC guidelines/regulations provided that its requirement will not adversely affect an historic preservation district as a whole or any designated Landmark. Unusual circumstances that satisfy the requirements of a hardship variance include, but are not limited to, the following:
- 2. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have had interest in the property;
- 3. Strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner, as distinguished from mere inconvenience.
- 4. The hardship variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or otherwise interested party(ies).
- 5. Examples of unusual circumstances:
 - a) A good faith purchaser of a property, without knowledge of outstanding HDLC violations(s) pending against the property, and the purchase is a bona fide transaction between unrelated parties.
 - b) Other examples are at the discretion of the Commission on a case by case basis.

B. Retention Application:

- 1. Applicants who meet the requirements in the above section who desire to retain work already in progress or completed may apply for retention via a retention application.
 - a) Applications for work commenced or completed without first applying for a Certificate of Appropriateness shall pay a fee of \$500 to accompany the retention application.
 - b) Applications for work commenced or completed in deviation of a previously issued Certificate of Appropriateness shall pay a fee of \$250 to accompany the retention application.

C. Unnecessary Hardship:

1. City Code Sec. 84-79 allows for the exemption from the requirements of the historic preservation ordinance by a majority vote of the Commission in instances where unusual circumstances applicable solely to the particular applicant, its literal enforcement would result in unnecessary hardship. This provision recognizes that in certain instances, work that can be reversed without damaging the historic fabric or the preservation of basic form and rhythm rather than restoration materials can meet the objectives of the Commission.
 - a) Eligibility Criteria: As its initial criterion for evaluating a request for an exception under the Unnecessary Hardship provision, the Commission may coordinate with the Office of Community Development (OCD) to set income thresholds in accordance with applicable HUD Section 8 guidelines and procedures for application. The Commission also recognizes the existence of circumstances under which the rigid application of this standard could result in unnecessary hardship. Examples of this include, but are not limited to, extraordinary medical or education expenses, the cost of maintenance contrasted with the cost of alterations, and the financial ability of persons on fixed incomes, particularly in areas with markedly appreciating values. In view of these and similar situations, the Commission shall consider requests for exemptions under this provision from persons who do not meet the standard of the HUD or other formula.
 - b) Submission Requirements under the Unnecessary Hardship Provision: To apply for the exemption under the Unnecessary Hardship provision, a low or moderate income person should submit an eligibility application including Federal Income Tax Returns for the previous two years demonstrating household income or other evidence to demonstrate qualification to OCD and building permit application including, a description of the scope of work, drawings if available, and cost estimates for the proposed work and Federal Income Tax Returns for the previous two years demonstrating household income or other evidence to demonstrate qualification for this exemption to the One Stop Permitting and Licensing Office. The personal financial information shall be kept confidential. The Commission staff shall work affirmatively with the applicant in the preparation of the submission and in the provision of technical assistance to solve problems of design and materials.

2. Review Process and Procedure:

- a) The staff shall evaluate the submission for completeness and shall discuss with the applicant possible methods and materials to achieve a higher degree of authenticity within the applicant's budget and needs. The staff may request that the applicant obtain additional bids for proposed work.
- b) The staff shall prepare a recommendation on the application and submit it to the Architectural Review Committee which shall limit its review to design - specifically excluding materiality when necessary - and refer the matter to the Commission.
- c) The Commission shall hear the application, recommendations and any public testimony in the normal manner proscribed in sections H-L of these Rules Policies and Procedures.

VIII. Appeals

A. Appeal of Commission Decisions:

1. Any applicant and/or aggrieved party to an application that is denied by the Commission may appeal to the City Council of New Orleans within 10 calendar days of the date of the action. Said appeal shall be in writing and be RECEIVED by the Clerk of Council's office within 10 calendar days of the date of the Commission's action.

IX. Landmark Nomination and Designation

A. Nomination Review and Designation:

1. Proposed Landmark nominations shall be reviewed by the Staff prior to being placed on a Commission agenda. All public hearings regarding Landmark nomination and/or designation shall be adhered to as outlined in the Code of the City of New Orleans as outlined in Chapter 84. However, if any property placed on the public agenda to be nominated as a Landmark by the Commission, does not receive the first and two seconds required for nomination, the same agenda item shall not be considered for re-nomination within one year from the date of the public hearing in which the previous Landmark nomination affecting the same agenda item/property was acted on by the Commission. In the case of a designated Landmark failing to receive a majority vote to be designated as a Landmark the same agenda item shall not be considered for re-nomination within 5 years from the date the Commission took action on the previous recommendation or application for the same Landmark designation. Further, in the interest of justice, no Landmark nomination and/

or designation that is reversed/denied the City Council shall be reheard by the Commission within 5 years from the date of the reversal/denial of the City Council's action.

X. Performance Bond

A. Performance Bond Requirements:

1. A performance bond may be required by the Commission in those instances where completion of a project is the basis for a Commission decision. The details of said bond shall be as dedicated by the Commission.

XI. Demolition Fine

A. Fine for Unapproved Demolition:

1. Any owner, agent, lessee, or other person acting for or in conjunction with them, who shall demolish or cause to be demolished a structure or edifice without having received a CofA may be fined a single fine of not less than \$1,000 and not more than \$10,000.

XII. Amendments

A. Amending the Design Guidelines and Administrative Rules, Policies & Procedures

1. The Guidelines and Administrative Rules, Policies & Procedures may be amended by a majority vote of the Commission and approval by the City Council.